UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,072	04/08/2004	Shinichi Hasegawa	09812.0524-00000	2104

22852 7590 01/21/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
TO, TUAN C	
ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
01/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/822,072
Filing Date: April 08, 2004
Appellant(s): HASEGAWA ET AL.

Eli Mazour
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/16/2009 appealing from the Office action mailed 1/14/2009.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The statement identifying the related appeals contained in the brief is correct.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the supplemental brief is correct.

(5) Summary of Claimed Subject Matter

The appellant's statement of the summary of the claimed subject matter is correct.

(6) Ground of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be viewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contains in the Appendix to the brief is correct

(8) Evidence Relied Upon

U.S. 20030097211 A1	Carroll et al.	May 22, 2003
U.S. 6,636,790 B1	Lightner et al.	October 21, 2003
U.S. 20040210363 A1	Kataghishi	July 19, 2005
U.S. 20050203684 A1	Borgesson	September 15, 2005

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 20030097211A1) and in view of Lightner et al. (US 6636790B1).

As to claims 1 and 14, as set forth in paragraph 0027, Carroll et al. discloses the remote service provider (150) that maintains a user database (154) and a service database (152) which stores various types of data such as service data for various automotive services and vehicle models (paragraph 0027, lines 10 and 11), software applications, specifications, parameter, user's manual, and other data related to vehicle diagnoses. In paragraph 0036, Carroll et al. teaches that a user can submit a request to access a web page from the remote service provider (150). The web pages contain user information for the user to retrieve data stored in service database (152) into user database (154). At this point, it is clear that the database (154) stores the vehicle model information downloaded from the service database (152). In addition, the user interface disclosed shown in figure 3b including a layout of screen, thus the storage device (21) as seen in figure 2 comprises information necessary for layout screen as seen in figures 3b-3d.

Carroll et al. further teaches the computer system (200) for recognizing vehicle model based on the input signal from the user interface (Carroll et al., figure 2, page 3, paragraph 0037).

Carroll et al. further teaches the function setting means (32) (Carroll et al. figure 3b and figure 3c) that are used to set the design information related to function or operation of the vehicle (Carroll et al., figure 3d, including a list of design data-manufacturer, year, model has been set).

Carroll et al. further teaches a display device for displaying function design of the vehicle set by said buttons (Carroll et al., figure 2, display 212).

Carroll et al. merely fails to disclose "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach onboard apparatus to the vehicle, the vehicle model information being peculiar to the vehicle".

Carrol et al. merely fails to disclose "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle" or "getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the on-board apparatus to the vehicle".

Lightner et al. teaches a connector (120) used to attach a data collector/router (35) to the vehicle's OBD/ECU system (100), wherein said connector (120) has a serial, 16-cavity layout, with specific electrical connections in separate cavities supplying data and electrical power from the OBD/ECU system (100). The data collector/router (35) comprises a processor (104) that gets vehicle model information from the vehicle's OBD/ECU system (100) when the connector (120) electrically and mechanically matches the OBD-II interface (102) in the data collector/router (35) (see column 6, lines 26-35, and lines 53-67 through column 7, lines 1-7). Lightner et al. explained in said columns that the data transmitted through the connector (120) may have a format and pass through cavities that depend on the vehicle's make and model. For example, Ford and General Motors vehicle use an OBD data format called J1850; data in this format pass through cavities 2 and 10. Chrysler and most European and Asian manufacturers use a data format called ISO 9141-2 and pass data through cavities 7 and 15, and in a

third format, called J2284, data is passed through cavities 6 and 14. According to this, Lightner teaches each vehicle model data is obtained based on the shape of each connector in view of their pass through cavities and their positions.

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system/method as taught by Carroll et al. to include the teaching as taught by Lightner et al. so that a vehicle can be remotely diagnosed from a control service center based on the received diagnostic data from the vehicle.

As to claims 12, and 16, Carroll et al. teaches that the layout screen in figures 3b and 3c includes selection box for user setting a specific data to model, year of the a vehicle, and therefore in order to that happen, the storage devices shown in figure 2 should store function setting information.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 20030097211A1), Lightner et al. (US 6636790B1), and further in view of Kataghishi (US 20040210363A1).

Carrol et al. teaches an on-board apparatus mounted on a vehicle comprising: a getting means for getting vehicle model information. For example, in figure 3a, the user interface provides a list of vehicle' country (vehicle model information) for user to select.

Carrol et al. teaches the computer system (200) for recognizing vehicle model based on the input signal from the user interface (Carrol et al., figure 2, page 3, paragraph 0037).

Carrol et al. further teaches a function setting means which is button (32) (Carrol et al. figure 3b) and another button shown in figure 3c. All of said buttons are utilized to set the design information related to function or operation of the vehicle (Carrol et al., figure 3d, including a list of design data-manufacturer, year, model has been set). Carrol et al. further teaches a display device for displaying function design of the vehicle set by said buttons (Carrol et al., figure 2, display 212). Carrol et al. fails to teach storage means for storing the vehicle model information and related design information of function information.

Lightner et al. teaches a system/method for characterizing a vehicle's performance in which is data collector/router (35), which is contained a small, portable housing that plugs directly into the connector (120) (see figure 2; column 6, lines 56-59), wherein said connector (120) is a serial, 16-cavity layout (see column 6, lines 60-64). The collector/router (35) comprising a processor electrical contact with said connector (see figure 2) to acquire vehicle model information by determining a shape of said connector (see column 6, lines 26-35, and lines 60-67; column 7, lines 1-7).

The reference to Kataghishi et al. provided to cure the missing features from Carrol et al. and Lightner et al. by teaching an on-board apparatus to be mounted on a vehicle (Kataghishi et al, figure 1, onboard apparatus 3), wherein said on-board apparatus (3) comprises a storage device (34) that stores vehicle model information such as manufacturer ID, car ID, etc. (Kataghishi et al., page 3, paragraph 0032, line 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the onboard apparatus as taught by Carroll et al. and

Lightner et al. to include the storage device that stores vehicle model information as taught by Kataghishi et al. in order to retrieves download information related to a vehicle from a list of vehicle that have previously had vehicle repair services.

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 20030097211A1), Lightner et al. (US 6636790B1), and further in view of Borgesson (US 20050203684A1).

Carroll et al. and Lightner et al. fail to include "function setting information comprises at least one of a navigation function, a mileage measuring function, and a night-vision function".

Borgesson teaches a vehicle control system and method including "function setting information comprises at least one of a navigation function, a mileage measuring function, and a night-vision function" (see paragraph 0080).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the teachings of Borgesson into the system of Carroll et al. and Lightner et al. so that the operator user can keep track on the mileage history of a selected vehicle via a screen.

(10) Response to Argument

The appellant argued in the brief that the secondary reference to Lightner fails to cure the deficiencies of the primary reference to Carroll because Lightner fails to disclose "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to

the vehicle" as recited in claim 1, and "getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle" as recited in claim 14.

In contrast, the examiner has discovered Lightner discloses the missing features from Carroll as the following:

Lightner discloses a diagnostic system and method for characterizing a vehicle's performance. For that purpose, Lightner's diagnostic system comprises getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus. In Lightner, specially in column 6, lines 26-35, and lines 53-67 through column 7, lines 1-7, the data collector/router (35) is provided as an onboard apparatus that comprises the data processor (104) for getting vehicle model information from the OBD/ECU system (100) via the connector (120), wherein the data collector/router (35) is in electrical contact with the vehicle's OBD/ECU system (100) through the OBD-II connector (120).

In that cited passage, Lightner teaches that the OBD-II connector (120) has a standard mechanical interface, data transmitted through it may have a format and pass through cavities that depend on vehicle's make and model. For example, Ford and General Motors vehicle use an OBD data format called J1850; data in this format pass through cavities 2 and 10. Chrysler and most European and Asian manufacturers use a data format called ISO 9141-2 and pass data through cavities 7 and 15. In a third format, called J2284, data is passed through cavities 6 and 14.

It is important to note that the shape of the connector (120) is defined by its format and the specific formed position of the cavities from the 16 cavity layout rather than the standard shape of the OBD-II with 16 cavity layout. Lightner explained that each specific make and model use specific format and pass through cavities for the transmission of vehicle model information. Therefore, Lightner discloses that processor (104) capable of getting vehicle model information from the OBD/ECU system (100) via the connector (120) by determining the shape of the connector (120) defined by a specific format. Therefore, Lightner discloses "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus."

As discussed herein above, the OBD format called J1850, data in this format pass through cavities 2 and 10; the OBD format called ISO 9141-2, data in this format pass through cavities 7 and 15, and the OBD format called J2284, data in this format pass through cavities 6 and 14. The formed position of the connector (120) is defined by the formed position of the cavities from the 16-cavity layout. For instance, the numbers 2 and 10 stand for the formed position of the cavities in the format called J1850; the numbers 7 and 15 stand for the formed position of the cavities in the format called ISO 9141-2; and the numbers 6 and 14 stand for the formed position of the cavities in the format called J2284. This absolutely shows that processor (104) getting vehicle model information from the OBD/ECU system (100) via the connector (120) by determining the formed position of the cavities from the 16 cavity layout of the OBD-II connector. For that reason, Lightner disclose "getting means for automatically getting

vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle."

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interference section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

Tuan C To (Examiner) /TT/

Jack Keith (S.P.E) /J. W. K./

Supervisory Patent Examiner, Art Unit 3663

Darnell Jayne (Appeal Specialist) /dj/

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

November 19, 2008